

does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after November 29, 1989.

(Added Pub. L. 101-189, div. A, title VII, § 705(a)(1), Nov. 29, 1989, 103 Stat. 1471; amended Pub. L. 101-510, div. A, title VI, § 613(a), title XIV, § 1484(d)(2), Nov. 5, 1990, 104 Stat. 1577, 1716; Pub. L. 102-484, div. A, title VI, § 612(g), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, § 611(b), Nov. 30, 1993, 107 Stat. 1679; Pub. L. 103-337, div. A, title VI, § 612(b), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, § 612(b), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, § 612(b), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, § 612(b), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105-261, div. A, title VI, § 612(b), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106-65, div. A, title VI, § 612(b), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106-398, § 1 [[div. A], title VI, § 622(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-151; Pub. L. 107-107, div. A, title VI, § 612(b), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107-314, div. A, title VI, §§ 612(c), 615(e), Dec. 2, 2002, 116 Stat. 2567, 2568; Pub. L. 108-136, div. A, title VI, § 612(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, §§ 612(c), 616(a), Oct. 28, 2004, 118 Stat. 1947, 1948.)

#### AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-375, § 616(a), substituted “three years” for “four years”.

Pub. L. 108-375, § 612(c), substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (a)(1). Pub. L. 108-136 substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (a)(1). Pub. L. 107-314, § 612(c), substituted “December 31, 2003” for “December 31, 2002”.

Subsec. (a)(2). Pub. L. 107-314, § 615(e), substituted “\$30,000” for “\$5,000”.

2001—Subsec. (a)(1). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

2000—Subsec. (a)(1). Pub. L. 106-398 substituted “December 31, 2001” for “December 31, 2000”.

1999—Subsec. (a)(1). Pub. L. 106-65 substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsec. (a)(1). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (a)(1). Pub. L. 105-85 substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (a)(1). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (a)(1). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (a)(1). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (a). Pub. L. 102-484 substituted “September 30, 1993” for “September 30, 1992”.

1990—Subsec. (a)(1). Pub. L. 101-510, §§ 613(a), 1484(d)(2)(A), substituted “November 29, 1989,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991” and “September 30, 1992” for “September 30, 1991”.

Subsec. (d)(4). Pub. L. 101-510, § 1484(d)(2)(B), substituted “November 29, 1989” for “the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991”.

#### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title VI, § 616(b), Oct. 28, 2004, 118 Stat. 1948, provided that: “The amendment made by

subsection (a) [amending this section] shall apply with respect to agreements entered into under section 302d of title 37, United States Code, on or after the date of the enactment of this Act [Oct. 28, 2004].”

#### APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107-314 to increase maximum amount of special pay or bonus that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107-314, set out as a note under section 301d of this title.

#### COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1993, to Nov. 30, 1993, for payment of accession bonus authorized under this section, see section 611(d) of Pub. L. 103-160, set out as a note under section 2130a of Title 10, Armed Forces.

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

#### § 302e. Special pay: nurse anesthetists

(a) SPECIAL PAY AUTHORIZED.—(1) An officer described in subsection (b)(1) who, during the period beginning on November 29, 1989, and ending on December 31, 2005, executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed \$50,000 for any 12-month period.

(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the period of obligated service provided for in the agreement under that paragraph.

(b) COVERED OFFICERS.—(1) An officer referred to in subsection (a) is an officer of a uniformed service who—

(A) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

(B) is a qualified certified registered nurse anesthetist; and

(C) is on active duty under a call or order to active duty for a period of not less than one year.

(2) The Secretary of Defense may extend the special pay authorized under subsection (a) to officers of the armed forces who serve in a nursing specialty (other than as nurse anesthetists) that—

(A) is designated by the Secretary of the military department concerned as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

(B) requires postbaccalaureate education and training.

(c) TERMINATION OF AGREEMENT.—Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Serv-

ices, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.

(d) PAYMENT.—Special pay payable to an officer under subsection (a) shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

(e) REPAYMENT.—(1) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after November 29, 1989.

(Added Pub. L. 101-189, div. A, title VII, § 706(a)(1), Nov. 29, 1989, 103 Stat. 1472; amended Pub. L. 101-510, div. A, title VI, §§ 613(b), 614(a), (b), 618(c)(1), title XIV, § 1484(d)(3), Nov. 5, 1990, 104 Stat. 1577, 1578, 1579, 1716; Pub. L. 102-25, title VII, § 702(a)(2)(B), (b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, § 612(i), Oct. 23, 1992, 106 Stat. 2421; Pub. L. 103-160, div. A, title VI, § 611(c), Nov. 30, 1993, 107 Stat. 1679; Pub. L. 103-337, div. A, title VI, § 612(c), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, § 612(c), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, § 612(c), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, § 612(c), Nov. 18, 1997, 111 Stat. 1786; Pub. L. 105-261, div. A, title VI, § 612(c), Oct. 17, 1998, 112 Stat. 2039; Pub. L. 106-65, div. A, title VI, § 612(c), Oct. 5, 1999, 113 Stat. 650; Pub. L. 106-398, § 1 [[div. A], title VI, §§ 622(c), 626(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-151, 1654A-153; Pub. L. 107-107, div. A, title VI, § 612(c), Dec. 28, 2001, 115 Stat. 1135; Pub. L. 107-314, div. A, title VI, §§ 612(d), 615(f), Dec. 2, 2002, 116 Stat. 2567, 2569; Pub. L. 108-136, div. A, title VI, § 612(d), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, § 612(d), Oct. 28, 2004, 118 Stat. 1947.)

#### AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108-375 substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (a)(1). Pub. L. 108-136 substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (a)(1). Pub. L. 107-314, § 615(f), substituted “\$50,000” for “\$15,000”.

Pub. L. 107-314, § 612(d), substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (a)(1). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

2000—Subsec. (a)(1). Pub. L. 106-398, § 1 [[div. A], title VI, § 622(c)], substituted “December 31, 2001” for “December 31, 2000”.

Subsec. (b)(2)(A). Pub. L. 106-398, § 1 [[div. A], title VI, § 626(b)(1)], substituted “the Secretary of the military department concerned” for “the Secretary”.

1999—Subsec. (a)(1). Pub. L. 106-65 substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsec. (a)(1). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (a)(1). Pub. L. 105-85 substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (a)(1). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (a)(1). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995” and “\$15,000” for “\$6,000”.

1993—Subsec. (a)(1). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (a)(1). Pub. L. 102-484 substituted “September 30, 1993” for “September 30, 1992”.

1991—Pub. L. 102-25, § 702(a)(2)(B), amended section catchline generally.

Subsec. (d). Pub. L. 102-25, § 702(b)(1), (c), struck out “of this section” after “subsection (a)”.

1990—Pub. L. 101-510, § 618(c)(1), directed that section catchline be amended to read “§ 302c. Special pay: psychologists and nonphysician health care providers”.

Subsec. (a)(1). Pub. L. 101-510, § 1484(d)(3)(A), substituted “November 29, 1989,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991”.

Pub. L. 101-510, § 614(b), substituted “subsection (b)(1)” for “subsection (b)”.

Pub. L. 101-510, § 613(b), substituted “September 30, 1992,” for “September 30, 1991”.

Subsec. (b). Pub. L. 101-510, § 614(a), designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, and added par. (2).

Subsec. (e)(3). Pub. L. 101-510, § 1484(d)(3)(B), substituted “November 29, 1989” for “the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991”.

#### APPLICATION OF INCREASE

In case of amendment by section 615 of Pub. L. 107-314 to increase maximum amount of special pay or bonus that may be paid during any 12-month period, the amended limitation is applicable to 12-month periods beginning after Sept. 30, 2002, see section 615(i) of Pub. L. 107-314, set out as a note under section 301d of this title.

#### COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1993, to Nov. 30, 1993, for payment of special pay authorized under this section, see section 611(d) of Pub. L. 103-160, set out as a note under section 2130a of Title 10, Armed Forces.

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

#### IMPLEMENTATION OF SUBSECTION (b)(2)

Pub. L. 101-510, div. A, title VI, § 614(c), Nov. 5, 1990, 104 Stat. 1578, provided that the Secretary of Defense could not implement subsec. (b)(2) of this section, unless the Secretary submitted to the Committees on Armed Services of the Senate and House of Representatives a report justifying the need of the departments for the authority provided in such subsection and describing the manner in which that authority would be implemented, prior to repeal by Pub. L. 106-398, § 1

[[div. A], title VI, §626(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153.

**§ 302f. Special pay: reserve, recalled, or retained health care officers**

(a) **ELIGIBLE FOR SPECIAL PAY.**—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title (whichever applies) notwithstanding any requirement in those sections that—

(1) the call or order of the officer to active duty be for a period of not less than one year; or

(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) **HEALTH CARE OFFICERS DESCRIBED.**—A health care officer referred to in subsection (a) is an officer of the armed forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302c, 302e, or 303 of this title and who—

(1) is a reserve officer on active duty (other than for training) under a call or order to active duty for a period of more than 30 days but less than one year;

(2) is involuntarily retained on active duty under section 12305 of title 10, or is recalled to active duty under section 688 of title 10 for a period of more than 30 days; or

(3) voluntarily agrees to remain on active duty for a period of less than one year at a time when—

(A) officers are involuntarily retained on active duty under section 12305 of title 10; or

(B) the Secretary of Defense determines (pursuant to regulations prescribed by the Secretary) that special circumstances justify the payment of special pay under this section.

(c) **MONTHLY PAYMENTS.**—Payment of special pay pursuant to this section may be made on a monthly basis. The officer shall refund any amount received under this section in excess of the amount that corresponds to the actual period of active duty served by the officer.

(d) **SPECIAL RULE FOR RESERVE MEDICAL AND DENTAL OFFICERS.**—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.

(Added Pub. L. 102-190, div. A, title VI, §634(a), Dec. 5, 1991, 105 Stat. 1381; amended Pub. L. 104-106, div. A, title XV, §1501(d)(4)(A), Feb. 10, 1996, 110 Stat. 500; Pub. L. 106-398, §1 [[div. A], title VI, §625(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153.)

**AMENDMENTS**

2000—Subsec. (d). Pub. L. 106-398 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “While a reserve medical officer receives a special pay under section 302 of this title by reason of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.”

1996—Subsec. (b)(2), (3)(A). Pub. L. 104-106 substituted “section 12305 of title 10” for “section 673c of title 10”.

**EFFECTIVE DATE OF 1996 AMENDMENT**

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

**ACTIVE DUTY IN CONNECTION WITH OPERATION DESERT STORM**

Pub. L. 102-25, title III, §304, Apr. 25, 1991, 105 Stat. 81, as amended by Pub. L. 102-190, div. A, title VI, §656, Dec. 5, 1991, 105 Stat. 1393, provided that:

“(a) **ELIGIBLE FOR SPECIAL PAY.**—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

“(1) the call or order of the officer to active duty be for a period of not less than one year; or

“(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

“(b) **HEALTH CARE OFFICERS DESCRIBED.**—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

“(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

“(2) is involuntarily retained on active duty under section 673c [now 12305] of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

“(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

“(c) **MONTHLY PAYMENTS.**—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

“(d) **SPECIAL RULE FOR RESERVE MEDICAL OFFICER.**—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

“(e) **PERIOD OF APPLICABILITY.**—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.”

**§ 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties**

(a) **SPECIAL PAY AUTHORIZED.**—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed \$10,000.